

Decision 03-01-068 January 30, 2003

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Oceanside for an Order authorizing construction of a private crossing used by the public, on private property, at separated grades. The crossing connects privately held land located off Oceanside Boulevard, between El Camino Real and Rancho Del Oro Drive. The crossing occurs on the Oceanside-Escondido Light Rail Project.

Application 01-08-001  
(Filed August 1, 2001;  
Petition for Modification  
filed March 14, 2002)

**ORDER MODIFYING DECISION 01-11-016**

**Summary**

City of Oceanside (City) requests authority, on behalf of Evergreen Distributors, Inc., (Evergreen) to modify Decision (D.) 01-11-016, whereby the Commission granted authority to construct a new private two-lane bridge above an existing North San Diego County Transit District (NCTD) railroad track, replacing an existing private at-grade crossing in Oceanside, San Diego County.

**Discussion**

By D.01-11-016, dated November 8, 2001, in Application 01-08-001, the City, in cooperation with Evergreen, was authorized to construct a private two-lane bridge above an existing NCTD railroad track, replacing an existing private at-grade crossing in Oceanside, San Diego County. A privately held corporation, Evergreen, owns the old existing at-grade private crossing and surrounding 80-acre site.

The new grade separation structure will be constructed as part of the larger Evergreen Nursery Project (Project). The 80-acre project site is located on the south side of Oceanside Boulevard, east of El Camino Real and west of Rancho Del Oro Drive in Oceanside, San Diego County.

On March 14, 2002, City filed a Petition for Modification of D.01-11-016 to request authorization to move the proposed location of the private two-lane bridge 300 feet east of the originally proposed location to milepost 3.76. City's reason for the change is that the new location will accommodate NCTD'S future plans, which include raising the existing railroad track seven feet above its existing grade. The planned increase in the grade will require a subsequent increase in the elevation of the proposed bridge to meet vertical clearance requirements. Therefore, due to the topography of the location, the bridge must be relocated to ensure adequate slope of the access ramps and roadway to the bridge structure. Applicant requests no other changes at this time. Appendix A contains a site map depicting the new proposed location of the two-lane bridge structure.

City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Section 21000 et seq. In order to satisfy the CEQA requirements, on August 31, 1998, City prepared an Initial Study (IS) for the Project. The IS found that the Project would not significantly affect the environment provided certain mitigating measures were enacted. On October 20, 1998 City filed a Mitigated Negative Declaration with the Office of Planning and Research in Sacramento and with the San Diego County Clerk approving the Project and its various mitigations.

The Commission is a responsible agency for this project under CEQA (PR Code Section 21000 et seq.). Under D.01-11-016, the Commission reviewed and

considered the lead agency's Mitigated Negative Declaration and found that the lead agency adopted feasible mitigation measures to eliminate or substantially lessen the relevant environmental impacts resulting from noise and traffic related to the project.

A discussion of those impacts and mitigations is contained in our earlier decision. We continue to require implementation of those mitigation measures as part of our approval of this petition.

The Commission's Consumer Protection and Safety Division - Rail Crossings Engineering Section staff inspected the proposed project site, reviewed City's request and concurs with the proposed modifications and recommends that the Petition for Modification be granted.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Petition for Modification of D.01-11-016 was published in the Commission Daily Calendar on March 18, 2002. There are no unresolved matters or protests; a public hearing is not necessary.

2. City was granted authority, under Public Utilities Code Sections 1201-1205, by D.01-11-016, dated November 8, 2001, to construct a new private two-lane bridge above an existing NCTD railroad track, replacing an old existing private at-grade crossing in City of Oceanside, San Diego County.

3. Relocation of the bridge 300 feet east of its originally proposed location is necessary to accommodate NCTD'S future plans of raising the existing railroad track seven feet above its existing grade, to maintain necessary vertical clearance above the track and to ensure adequate slope of the access ramps and roadway to the bridge. The new proposed location of the bridge structure is at milepost 3.76.

4. City is the lead agency for the project under CEQA and adopted a Mitigated Negative Declaration in approving the project.

5. The Commission is a responsible agency for the project under CEQA and in D.01-11-016 reviewed and approved the lead agency's environmental documents.

### **Conclusions of Law**

1. The City's request to modify D.01-11-016 should be granted as set forth in the following order.

2. In approving this Petition we continue to require implementation of the mitigation measures discussed and adopted in D.01-11-016.

### **O R D E R**

**IT IS ORDERED** that Decision (D.) 01-11-016 is modified as follows:

1. The authorization in Ordering Paragraph 1 of D.01-11-016 to construct a new private two-lane bridge above existing North San Diego County Transit District (NCTD) right-of-way at milepost 3.70, replacing an old existing private at-grade crossing in City of Oceanside, San Diego County, at the location and substantially as shown by plans attached to Application 01-08-001 and D.01-11-016, is revoked.

2. City of Oceanside (City) is authorized to construct a new private two-lane bridge above an existing NCTD railroad track at milepost 3.76, replacing an old

existing private at-grade crossing in the City of Oceanside, San Diego County, as set forth in Appendix A of this order, and as more fully described and indicated by text and plans attached to the Petition for Modification.

3. The new private grade separated crossing shall be identified as Crossing Number 106E-3.76-AX.

4. Clearances shall be in accordance with General Order (GO) 26-D.

5. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

6. Within 30 days after completion of this project, City shall notify the Rail Crossings Engineering Section by submitting a Standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations) that the authorized work is completed.

7. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

8. In all other respects, D.01-11-016 shall remain in full force and effect.

9. The Petition for Modification is granted as set forth above.

10. Application 01-08-001 is closed.

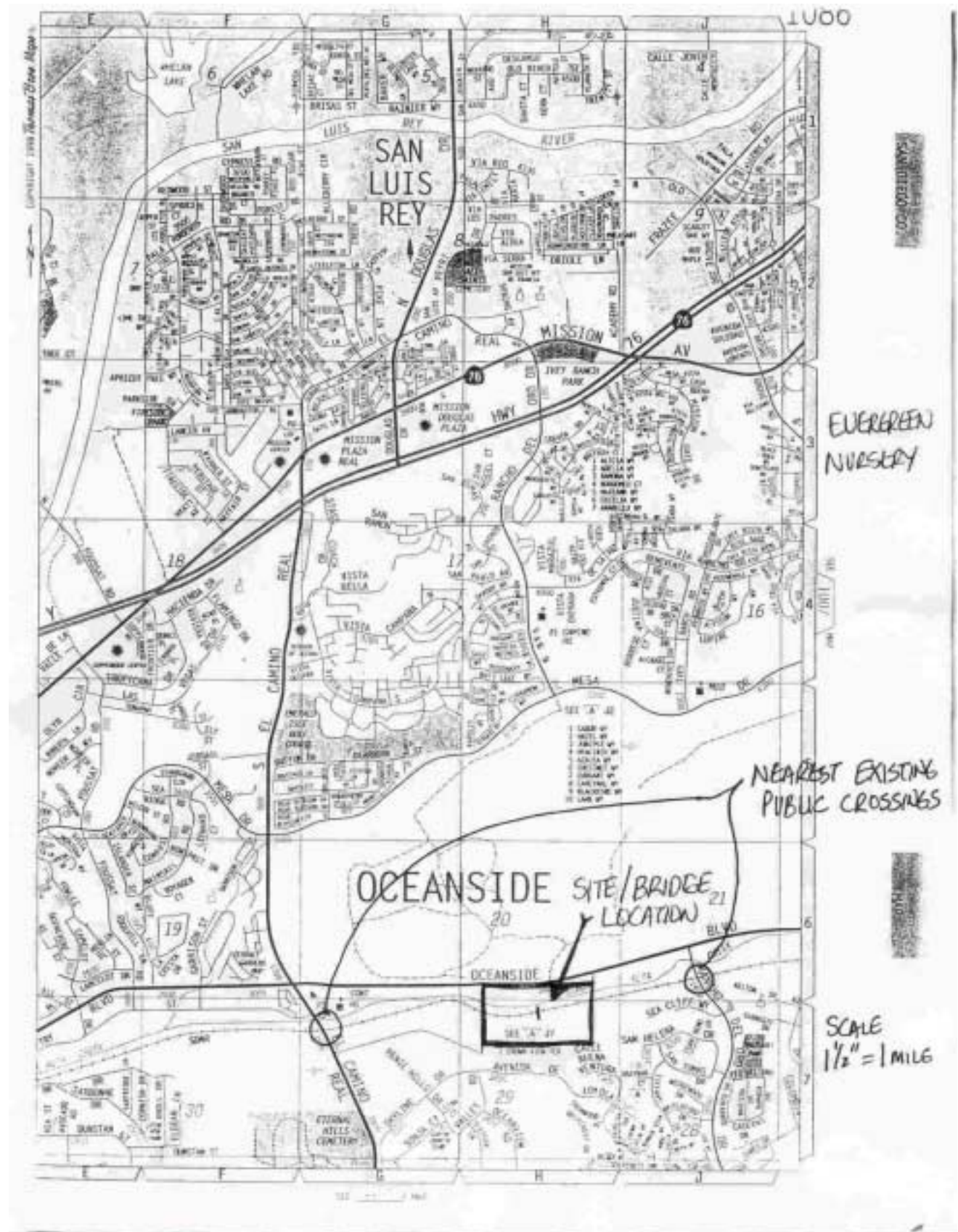
This order is effective today.

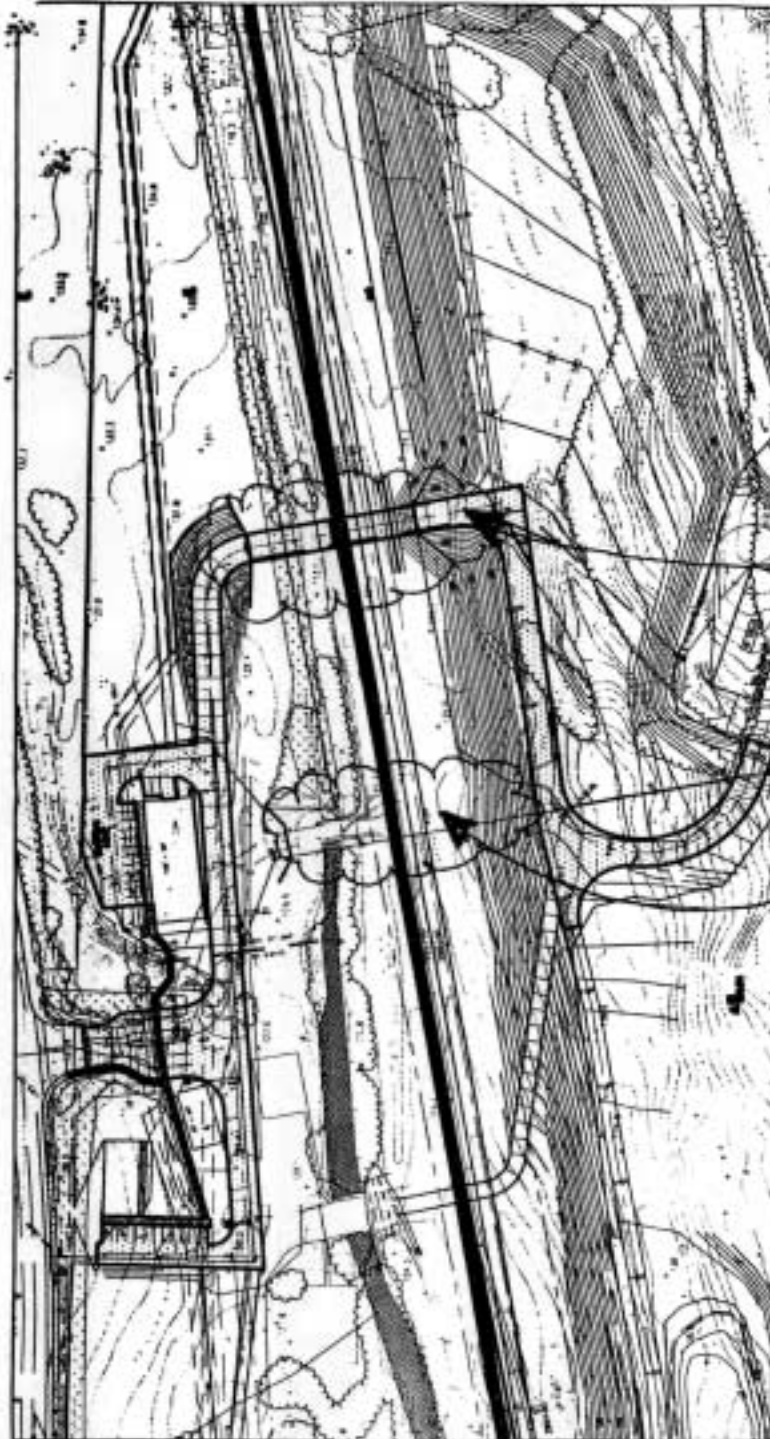
Dated January 30, 2003, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
CARL W. WOOD

LORETTA M. LYNCH  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
Commissioners

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SCALE 1"=100'

FROM HERE TO HERE  
ORIGINAL LOCATION NEW LOCATION

RECEIVED  
FEB 13 2002

Planning Department

APPROVED AS SUBSTANTIALLY CONFORMING

2-15-02  
Date

By *R. Butler*

90-9-02

BRIDGE RELOCATION